
SUBSTITUTE SENATE BILL 5017

State of Washington

66th Legislature

2019 Regular Session

By Senate Law & Justice (originally sponsored by Senators Salomon, Van De Wege, and Pedersen; by request of Uniform Law Commission)

READ FIRST TIME 01/25/19.

1 AN ACT Relating to the uniform unsworn declarations act; amending
2 RCW 5.50.010, 5.50.020, 5.50.050, 5.50.900, 5.50.901, 7.64.020,
3 7.70.065, 9A.04.030, 9A.72.010, 10.25.065, 11.96A.250, 18.104.093,
4 18.104.097, 39.04.350, 39.26.160, 46.09.320, 46.12.530, 46.12.555,
5 46.16A.435, 46.20.308, 46.20.720, 47.68.250, 71.09.070, 81.84.020,
6 and 88.02.540; reenacting and amending RCW 59.18.030; repealing RCW
7 9A.72.085; and providing an expiration date.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

9 **Sec. 1.** RCW 5.50.010 and 2011 c 22 s 2 are each amended to read
10 as follows:

11 In this chapter:

12 (1) (~~"Boundaries of the United States" means the geographic~~
13 ~~boundaries of the United States, Puerto Rico, the United States~~
14 ~~Virgin Islands, and any territory or insular possession subject to~~
15 ~~the jurisdiction of the United States.~~

16 ~~(2))~~ "Law" includes (~~the federal or a state Constitution,~~) a
17 (~~federal or state~~) statute, ((a)) judicial decision or order, ((a))
18 rule of court, (~~an~~) executive order, and (~~an~~) administrative
19 rule, regulation, or order.

1 ~~((3))~~ (2) "Record" means information that is inscribed on a
2 tangible medium or that is stored in an electronic or other medium
3 and is retrievable in perceivable form.

4 ~~((4))~~ (3) "Sign" means, with present intent to authenticate or
5 adopt a record:

6 (a) To execute or adopt a tangible symbol; or

7 (b) To attach to or logically associate with the record an
8 electronic symbol, sound, or process.

9 ~~((5) "State" means a state of the United States, the District of
10 Columbia, Puerto Rico, the United States Virgin Islands, or any
11 territory or insular possession subject to the jurisdiction of the
12 United States.~~

13 ~~(6))~~ (4) "Sworn declaration" means a declaration in a signed
14 record given under oath. The term includes a sworn statement,
15 verification, certificate, and affidavit.

16 ~~((7))~~ (5) "Unsworn declaration" means a declaration in a signed
17 record ~~((that is))~~ not given under oath ~~((7))~~ but ~~((is))~~ given under
18 penalty of perjury.

19 **Sec. 2.** RCW 5.50.020 and 2011 c 22 s 3 are each amended to read
20 as follows:

21 This chapter applies to an unsworn declaration by a declarant who
22 at the time of making the declaration is physically located within or
23 outside the boundaries of the United States, whether or not the
24 location is subject to the jurisdiction of the United States. ~~((This
25 chapter does not apply to a declaration by a declarant who is
26 physically located on property that is within the boundaries of the
27 United States and subject to the jurisdiction of another country or a
28 federally recognized Indian tribe.))~~

29 **Sec. 3.** RCW 5.50.050 and 2011 c 22 s 6 are each amended to read
30 as follows:

31 An unsworn declaration under this chapter must be in
32 substantially the following form:

33 I declare under penalty of perjury under the law of Washington
34 that the foregoing is true and correct ~~((, and that I am physically
35 located outside the geographic boundaries of the United States,
36 Puerto Rico, the United States Virgin Islands, and any territory or~~

1 insular possession subject to the jurisdiction of the United
2 States)).

3 ((Executed)) Signed on the day of, ,
4 (date) (month) (year)

5 at ((~~/~~))
6 (city or other location, and state or country) ((~~country~~))

7
8 (printed name)

9
10 (signature)

11 **Sec. 4.** RCW 5.50.900 and 2011 c 22 s 1 are each amended to read
12 as follows:

13 This chapter may be cited as the uniform unsworn ((foreign))
14 declarations act.

15 **Sec. 5.** RCW 5.50.901 and 2011 c 22 s 7 are each amended to read
16 as follows:

17 In applying and construing this uniform act and chapter,
18 consideration must be given to the need to promote uniformity of the
19 law with respect to its subject matter among states that enact it.

20 NEW SECTION. **Sec. 6.** RCW 9A.72.085 (Unsworn statements,
21 certification—Standards for subscribing to an unsworn statement) and
22 2014 c 93 s 4 & 1981 c 187 s 3 are each repealed.

23 **CONFORMING AMENDMENTS**

24 **Sec. 7.** RCW 7.64.020 and 2004 c 74 s 1 are each amended to read
25 as follows:

26 (1) At the time of filing the complaint or any time thereafter,
27 the plaintiff may apply to the judge or court commissioner to issue
28 an order directing the defendant to appear and show cause why an
29 order putting the plaintiff in immediate possession of the personal
30 property should not be issued.

31 (2) In support of the application, the plaintiff, or someone on
32 the plaintiff's behalf, shall make an affidavit, or a declaration as
33 permitted under ((RCW 9A.72.085)) chapter 5.50 RCW, showing:

1 (a) That the plaintiff is the owner of the property or is
2 lawfully entitled to the possession of the property by virtue of a
3 special property interest, including a security interest,
4 specifically describing the property and interest;

5 (b) That the property is wrongfully detained by defendant;

6 (c) That the property has not been taken for a tax, assessment,
7 or fine pursuant to a statute and has not been seized under an
8 execution or attachment against the property of the plaintiff, or if
9 so seized, that it is by law exempt from such seizure; and

10 (d) The approximate value of the property.

11 (3) The order to show cause shall state the date, time, and place
12 of the hearing and contain a notice to the defendant that failure to
13 promptly turn over possession of the property to the plaintiff or the
14 sheriff, if an order awarding possession is issued under RCW
15 7.64.035(1), may subject the defendant to being held in contempt of
16 court.

17 (4) A certified copy of the order to show cause, with a copy of
18 the plaintiff's affidavit or declaration attached, shall be served
19 upon the defendant no later than five days before the hearing date.

20 **Sec. 8.** RCW 7.70.065 and 2017 c 275 s 1 are each amended to read
21 as follows:

22 (1) Informed consent for health care for a patient who is not
23 competent, as defined in RCW 11.88.010(1)(e), to consent may be
24 obtained from a person authorized to consent on behalf of such
25 patient.

26 (a) Persons authorized to provide informed consent to health care
27 on behalf of a patient who is not competent to consent, based upon a
28 reason other than incapacity as defined in RCW 11.88.010(1)(d), shall
29 be a member of one of the following classes of persons in the
30 following order of priority:

31 (i) The appointed guardian of the patient, if any;

32 (ii) The individual, if any, to whom the patient has given a
33 durable power of attorney that encompasses the authority to make
34 health care decisions;

35 (iii) The patient's spouse or state registered domestic partner;

36 (iv) Children of the patient who are at least eighteen years of
37 age;

38 (v) Parents of the patient; and

39 (vi) Adult brothers and sisters of the patient.

1 (b) If the health care provider seeking informed consent for
2 proposed health care of the patient who is not competent to consent
3 under RCW 11.88.010(1)(e), other than a person determined to be
4 incapacitated because he or she is under the age of majority and who
5 is not otherwise authorized to provide informed consent, makes
6 reasonable efforts to locate and secure authorization from a
7 competent person in the first or succeeding class and finds no such
8 person available, authorization may be given by any person in the
9 next class in the order of descending priority. However, no person
10 under this section may provide informed consent to health care:

11 (i) If a person of higher priority under this section has refused
12 to give such authorization; or

13 (ii) If there are two or more individuals in the same class and
14 the decision is not unanimous among all available members of that
15 class.

16 (c) Before any person authorized to provide informed consent on
17 behalf of a patient not competent to consent under RCW
18 11.88.010(1)(e), other than a person determined to be incapacitated
19 because he or she is under the age of majority and who is not
20 otherwise authorized to provide informed consent, exercises that
21 authority, the person must first determine in good faith that that
22 patient, if competent, would consent to the proposed health care. If
23 such a determination cannot be made, the decision to consent to the
24 proposed health care may be made only after determining that the
25 proposed health care is in the patient's best interests.

26 (2) Informed consent for health care, including mental health
27 care, for a patient who is not competent, as defined in RCW
28 11.88.010(1)(e), because he or she is under the age of majority and
29 who is not otherwise authorized to provide informed consent, may be
30 obtained from a person authorized to consent on behalf of such a
31 patient.

32 (a) Persons authorized to provide informed consent to health
33 care, including mental health care, on behalf of a patient who is
34 incapacitated, as defined in RCW 11.88.010(1)(e), because he or she
35 is under the age of majority and who is not otherwise authorized to
36 provide informed consent, shall be a member of one of the following
37 classes of persons in the following order of priority:

38 (i) The appointed guardian, or legal custodian authorized
39 pursuant to Title 26 RCW, of the minor patient, if any;

1 (ii) A person authorized by the court to consent to medical care
2 for a child in out-of-home placement pursuant to chapter 13.32A or
3 13.34 RCW, if any;

4 (iii) Parents of the minor patient;

5 (iv) The individual, if any, to whom the minor's parent has given
6 a signed authorization to make health care decisions for the minor
7 patient; and

8 (v) A competent adult representing himself or herself to be a
9 relative responsible for the health care of such minor patient or a
10 competent adult who has signed and dated a declaration under penalty
11 of perjury pursuant to ((~~RCW 9A.72.085~~)) chapter 5.50 RCW stating
12 that the adult person is a relative responsible for the health care
13 of the minor patient. Such declaration shall be effective for up to
14 six months from the date of the declaration.

15 (b)(i) Informed consent for health care on behalf of a patient
16 who is incapacitated, as defined in RCW 11.88.010(1)(e), because he
17 or she is under the age of majority and who is not otherwise
18 authorized to provide informed consent may be obtained from a school
19 nurse, school counselor, or homeless student liaison when:

20 (A) Consent is necessary for nonemergency, outpatient, primary
21 care services, including physical examinations, vision examinations
22 and eyeglasses, dental examinations, hearing examinations and hearing
23 aids, immunizations, treatments for illnesses and conditions, and
24 routine follow-up care customarily provided by a health care provider
25 in an outpatient setting, excluding elective surgeries;

26 (B) The minor patient meets the definition of a "homeless child
27 or youth" under the federal McKinney-Vento homeless education
28 assistance improvements act of 2001, P.L. 107-110, January 8, 2002,
29 115 Stat. 2005; and

30 (C) The minor patient is not under the supervision or control of
31 a parent, custodian, or legal guardian, and is not in the care and
32 custody of the department of social and health services.

33 (ii) A person authorized to consent to care under this subsection
34 (2)(b) and the person's employing school or school district are not
35 subject to administrative sanctions or civil damages resulting from
36 the consent or nonconsent for care, any care, or payment for any
37 care, rendered pursuant to this section. Nothing in this section
38 prevents a health care facility or a health care provider from
39 seeking reimbursement from other sources for care provided to a minor
40 patient under this subsection (2)(b).

1 (iii) Upon request by a health care facility or a health care
2 provider, a person authorized to consent to care under this
3 subsection (2)(b) must provide to the person rendering care a
4 declaration signed and dated under penalty of perjury pursuant to
5 (~~RCW 9A.72.085~~) chapter 5.50 RCW stating that the person is a
6 school nurse, school counselor, or homeless student liaison and that
7 the minor patient meets the elements under (b)(i) of this subsection.
8 The declaration must also include written notice of the exemption
9 from liability under (b)(ii) of this subsection.

10 (c) A health care provider may, but is not required to, rely on
11 the representations or declaration of a person claiming to be a
12 relative responsible for the care of the minor patient, under (a)(v)
13 of this subsection, or a person claiming to be authorized to consent
14 to the health care of the minor patient under (b) of this subsection,
15 if the health care provider does not have actual notice of the
16 falsity of any of the statements made by the person claiming to be a
17 relative responsible for the health care of the minor patient, or
18 person claiming to be authorized to consent to the health care of the
19 minor patient.

20 (d) A health care facility or a health care provider may, in its
21 discretion, require documentation of a person's claimed status as
22 being a relative responsible for the health care of the minor
23 patient, or a person claiming to be authorized to consent to the
24 health care of the minor patient under (b) of this subsection.
25 However, there is no obligation to require such documentation.

26 (e) The health care provider or health care facility where
27 services are rendered shall be immune from suit in any action, civil
28 or criminal, or from professional or other disciplinary action when
29 such reliance is based on a declaration signed under penalty of
30 perjury pursuant to (~~RCW 9A.72.085~~) chapter 5.50 RCW stating that
31 the adult person is a relative responsible for the health care of the
32 minor patient under (a)(v) of this subsection, or a person claiming
33 to be authorized to consent to the health care of the minor patient
34 under (b) of this subsection.

35 (3) For the purposes of this section, "health care," "health care
36 provider," and "health care facility" shall be defined as established
37 in RCW 70.02.010.

38 **Sec. 9.** RCW 9A.04.030 and 1999 c 349 s 1 are each amended to
39 read as follows:

1 The following persons are liable to punishment:

2 (1) A person who commits in the state any crime, in whole or in
3 part.

4 (2) A person who commits out of the state any act which, if
5 committed within it, would be theft and is afterward found in the
6 state with any of the stolen property.

7 (3) A person who being out of the state, counsels, causes,
8 procures, aids, or abets another to commit a crime in this state.

9 (4) A person who, being out of the state, abducts or kidnaps by
10 force or fraud, any person, contrary to the laws of the place where
11 the act is committed, and brings, sends, or conveys such person into
12 this state.

13 (5) A person who commits an act without the state which affects
14 persons or property within the state, which, if committed within the
15 state, would be a crime.

16 (6) A person who, being out of the state, makes a statement,
17 declaration, verification, or certificate under ((RCW 9A.72.085))
18 chapter 5.50 RCW which, if made within the state, would be perjury.

19 (7) A person who commits an act onboard a conveyance within the
20 state of Washington, including the airspace over the state of
21 Washington, that subsequently lands, docks, or stops within the state
22 which, if committed within the state, would be a crime.

23 **Sec. 10.** RCW 9A.72.010 and 2001 c 171 s 2 are each amended to
24 read as follows:

25 The following definitions are applicable in this chapter unless
26 the context otherwise requires:

27 (1) "Materially false statement" means any false statement oral
28 or written, regardless of its admissibility under the rules of
29 evidence, which could have affected the course or outcome of the
30 proceeding; (~~whether a false statement is material shall be~~
31 ~~determined by the court as a matter of law;~~)

32 (2) "Oath" includes an affirmation and every other mode
33 authorized by law of attesting to the truth of that which is stated;
34 in this chapter, written statements shall be treated as if made under
35 oath if:

36 (a) The statement was made on or pursuant to instructions on an
37 official form bearing notice, authorized by law, to the effect that
38 false statements made therein are punishable;

1 (b) The statement recites that it was made under oath, the
2 declarant was aware of such recitation at the time he or she made the
3 statement, intended that the statement should be represented as a
4 sworn statement, and the statement was in fact so represented by its
5 delivery or utterance with the signed jurat of an officer authorized
6 to administer oaths appended thereto; or

7 (c) It is a statement, declaration, verification, or certificate,
8 made within or outside the state of Washington, which is certified or
9 declared to be true under penalty of perjury as provided in ((RCW
10 ~~9A.72.085~~)) chapter 5.50 RCW.

11 (3) An oath is "required or authorized by law" when the use of
12 the oath is specifically provided for by statute or regulatory
13 provision or when the oath is administered by a person authorized by
14 state or federal law to administer oaths;

15 (4) "Official proceeding" means a proceeding heard before any
16 legislative, judicial, administrative, or other government agency or
17 official authorized to hear evidence under oath, including any
18 referee, hearing examiner, commissioner, notary, or other person
19 taking testimony or depositions;

20 (5) "Juror" means any person who is a member of any jury,
21 including a grand jury, impaneled by any court of this state or by
22 any public servant authorized by law to impanel a jury; the term
23 juror also includes any person who has been drawn or summoned to
24 attend as a prospective juror;

25 (6) "Testimony" includes oral or written statements, documents,
26 or any other material that may be offered by a witness in an official
27 proceeding.

28 **Sec. 11.** RCW 10.25.065 and 1981 c 187 s 4 are each amended to
29 read as follows:

30 Perjury committed outside of the state of Washington in a
31 statement, declaration, verification, or certificate authorized by
32 ((~~RCW 9A.72.085~~)) chapter 5.50 RCW is punishable in the county in
33 this state in which occurs the act, transaction, matter, action, or
34 proceeding, in relation to which the statement, declaration,
35 verification, or certification was given or made.

36 **Sec. 12.** RCW 11.96A.250 and 2013 c 272 s 21 are each amended to
37 read as follows:

1 (1) (a) Any party or the parent of a minor or unborn party may
2 petition the court for the appointment of a special representative to
3 represent a party: (i) Who is a minor; (ii) who is incapacitated
4 without an appointed guardian of his or her estate; (iii) who is yet
5 unborn or unascertained; or (iv) whose identity or address is
6 unknown. The petition may be heard by the court without notice.

7 (b) In appointing the special representative the court shall give
8 due consideration and deference to any nomination(s) made in the
9 petition, the special skills required in the representation, and the
10 need for a representative who will act independently and prudently.
11 The nomination of a person as special representative by the
12 petitioner and the person's willingness to serve as special
13 representative are not grounds by themselves for finding a lack of
14 independence, however, the court may consider any interests that the
15 nominating party may have in the estate or trust in making the
16 determination.

17 (c) The special representative may enter into a binding agreement
18 on behalf of the person or beneficiary. The special representative
19 may be appointed for more than one person or class of persons if the
20 interests of such persons or class are not in conflict. The petition
21 must be verified. The petition and order appointing the special
22 representative may be in the following form:

23 CAPTION PETITION FOR APPOINTMENT
24 OF CASE OF SPECIAL REPRESENTATIVE
25 UNDER RCW 11.96A.250

26 The undersigned petitioner petitions the court for the
27 appointment of a special representative in accordance with RCW
28 11.96A.250 and shows the court as follows:

29 1. Petitioner. Petitioner . . . [is the qualified and presently
30 acting (personal representative) (trustee) of the above (estate)
31 (trust) having been named (personal representative) (trustee) under
32 (describe will and reference probate order or describe trust
33 instrument)] or [is the (describe relationship of the petitioner to
34 the party to be represented or to the matter at issue)].

35 2. Matter. A question concerning . . . has arisen as to (describe
36 issue, for example: Related to interpretation, construction,
37 administration, distribution). The issue is a matter as defined in

1 RCW 11.96A.030 and is appropriate for determination under RCW
2 11.96A.210 through 11.96A.250.

3 3. Party/Parties to be Represented. This matter involves (include
4 description of asset(s) and related beneficiaries and/or interested
5 parties). Resolution of this matter will require the involvement
6 of (name of person or class of persons), who is/are
7 (minors), (incapacitated and without an appointed guardian), (unborn
8 or unascertained) (whose identity or address is unknown).

9 4. Special Representative. The nominated special
10 representative . . . is a lawyer licensed to practice before the
11 courts of this state or an individual with special skill or training
12 in the administration of estates or trusts. The nominated special
13 representative does not have an interest in the matter and is not
14 related to any person interested in the matter. The nominated special
15 representative is willing to serve. The petitioner has no reason to
16 believe that the nominated special representative will not act in an
17 independent and prudent manner and in the best interests of the
18 represented parties. (It is recommended that the petitioner also
19 include information specifying the particular skills of the nominated
20 special representative that relate to the matter in issue.)

21 5. Resolution. Petitioner desires to achieve a resolution of the
22 questions that have arisen in this matter. Petitioner believes that
23 proceeding in accordance with the procedures permitted under RCW
24 11.96A.210 through 11.96A.250 would be in the best interests of the
25 parties, including the party requiring a special representative.

26 6. Request of Court. Petitioner requests that an
27 attorney licensed to practice in the State of Washington,

28 (OR)

29 an individual with special skill or training in the
30 administration of estates or trusts

31 be appointed special representative for . . . (describe party or
32 parties being represented), who is/are (minors), (incapacitated and
33 without an appointed guardian), (unborn or unascertained) (whose
34 identity or address is unknown), as provided under RCW 11.96A.250.

35 DATED this . . . day of,

36

37 (Petitioner)

38 VERIFICATION

1 I certify under penalty of perjury under the laws of the state of
2 Washington that the foregoing is true and correct.

3 DATED, ((20..)) (year), at,
4 Washington.

5
6 (Petitioner or other person
7 having knowledge)

8 CAPTION PETITION FOR APPOINTMENT
9 OF CASE OF SPECIAL REPRESENTATIVE
10 UNDER RCW 11.96A.250

11 THIS MATTER having come on for hearing before this Court on
12 Petition for Appointment of Special Representative filed herein, and
13 it appearing that it would be in the best interests of the parties
14 related to the matter described in the Petition to appoint a special
15 representative to address the issues that have arisen in the matter
16 and the Court finding that the facts stated in the Petition are true,
17 now, therefore,

18 IT IS ORDERED that . . . is appointed under RCW 11.96A.250 as
19 special representative (describe party or parties being represented)
20 who is/are (minors), (incapacitated and without an appointed
21 guardian), (unborn or unascertained) (whose identity or address is
22 unknown), to represent their respective interests in the matter as
23 provided in RCW 11.96A.250. The special representative shall be
24 discharged of responsibility with respect to the matter as provided
25 in RCW 11.96A.250. The special representative is discharged of
26 responsibility with respect to the matter at such time as a written
27 agreement is executed resolving the present issues, all as provided
28 in that statute, or if an agreement is not reached within six months
29 from entry of this Order, the special representative appointed under
30 this Order is discharged of responsibility, subject to subsequent
31 reappointment under RCW 11.96A.250.

32 DONE IN OPEN COURT this . . . day of,
33
34 JUDGE/COURT COMMISSIONER

35 (2) Upon appointment by the court, the special representative
36 must file a certification made under penalty of perjury in accordance

1 with (~~RCW 9A.72.085~~) chapter 5.50 RCW that he or she (a) is not
2 interested in the matter; (b) is not related to any person interested
3 in the matter; (c) is willing to serve; and (d) will act
4 independently, prudently, and in the best interests of the
5 represented parties.

6 (3) The special representative must be a lawyer licensed to
7 practice before the courts of this state or an individual with
8 special skill or training in the administration of estates or trusts.
9 The special representative may not have an interest in the matter,
10 and may not be related to a person interested in the matter. The
11 special representative is entitled to reasonable compensation for
12 services that must be paid from the principal of an asset involved in
13 the matter.

14 (4) The special representative is discharged from any
15 responsibility and will have no further duties with respect to the
16 matter or with respect to any party, on the earlier of: (a) The
17 expiration of six months from the date the special representative was
18 appointed unless the order appointing the special representative
19 provides otherwise, or (b) the execution of the written agreement by
20 all parties or their virtual representatives. Any action against a
21 special representative must be brought within the time limits
22 provided by RCW 11.96A.070(3)(c)(i).

23 **Sec. 13.** RCW 18.104.093 and 1993 c 387 s 13 are each amended to
24 read as follows:

25 The department may issue a water well construction operator's
26 training license if the person:

27 (1) Has submitted a completed application to the department on
28 forms provided by the department and has paid to the department the
29 application fee required by rules adopted pursuant to this chapter;

30 (2) Has acquired field experience and educational training
31 required by rules adopted pursuant to this chapter;

32 (3) Has passed a written examination as provided for in RCW
33 18.104.080;

34 (4) Has passed an on-site examination by the department; and

35 (5) Presents a statement by a person licensed under this chapter,
36 other than a trainee, signed under penalty of perjury as provided in
37 (~~RCW 9A.72.085~~) chapter 5.50 RCW, verifying that the applicant has
38 the field experience required by rules adopted pursuant to this

1 chapter and assuming liability for any and all well construction
2 activities of the person seeking the training license.

3 A person with a water well construction operator's training
4 license may operate a drilling rig without the direct supervision of
5 a licensed operator if a licensed operator is available by radio,
6 telephone, or other means of communication.

7 **Sec. 14.** RCW 18.104.097 and 1993 c 387 s 15 are each amended to
8 read as follows:

9 The department may issue a resource protection well operator's
10 training license if the person:

11 (1) Has submitted a completed application to the department on
12 forms provided by the department and has paid to the department the
13 application fee required by rules adopted pursuant to this chapter;

14 (2) Has acquired field experience and educational training
15 required by rules adopted pursuant to this chapter;

16 (3) Has passed a written examination as provided for in RCW
17 18.104.080;

18 (4) Has passed an on-site examination by the department; and

19 (5) Presents a statement by a person licensed under this chapter,
20 other than a trainee, signed under penalty of perjury as provided in
21 (~~RCW 9A.72.085~~) chapter 5.50 RCW, verifying that the applicant has
22 the field experience required by rules adopted pursuant to this
23 chapter and assuming liability for any and all well construction
24 activities of the person seeking the training license.

25 A person with a resource protection well construction operator's
26 training license may operate a drilling rig without direct
27 supervision of a licensed operator if a licensed operator is
28 accessible by radio, telephone, or other means of communication.

29 **Sec. 15.** RCW 39.04.350 and 2018 c 243 s 1 are each amended to
30 read as follows:

31 (1) Before award of a public works contract, a bidder must meet
32 the following responsibility criteria to be considered a responsible
33 bidder and qualified to be awarded a public works project. The bidder
34 must:

35 (a) At the time of bid submittal, have a certificate of
36 registration in compliance with chapter 18.27 RCW;

37 (b) Have a current state unified business identifier number;

1 (c) If applicable, have industrial insurance coverage for the
2 bidder's employees working in Washington as required in Title 51 RCW;
3 an employment security department number as required in Title 50 RCW;
4 and a state excise tax registration number as required in Title 82
5 RCW;

6 (d) Not be disqualified from bidding on any public works contract
7 under RCW 39.06.010 or 39.12.065(3);

8 (e) If bidding on a public works project subject to the
9 apprenticeship utilization requirements in RCW 39.04.320, not have
10 been found out of compliance by the Washington state apprenticeship
11 and training council for working apprentices out of ratio, without
12 appropriate supervision, or outside their approved work processes as
13 outlined in their standards of apprenticeship under chapter 49.04 RCW
14 for the one-year period immediately preceding the date of the bid
15 solicitation;

16 (f) Have received training on the requirements related to public
17 works and prevailing wage under this chapter and chapter 39.12 RCW.
18 The bidder must designate a person or persons to be trained on these
19 requirements. The training must be provided by the department of
20 labor and industries or by a training provider whose curriculum is
21 approved by the department. The department, in consultation with the
22 prevailing wage advisory committee, must determine the length of the
23 training. Bidders that have completed three or more public works
24 projects and have had a valid business license in Washington for
25 three or more years are exempt from this subsection. The department
26 of labor and industries must keep records of entities that have
27 satisfied the training requirement or are exempt and make the records
28 available on its web site. Responsible parties may rely on the
29 records made available by the department regarding satisfaction of
30 the training requirement or exemption; and

31 (g) Within the three-year period immediately preceding the date
32 of the bid solicitation, not have been determined by a final and
33 binding citation and notice of assessment issued by the department of
34 labor and industries or through a civil judgment entered by a court
35 of limited or general jurisdiction to have willfully violated, as
36 defined in RCW 49.48.082, any provision of chapter 49.46, 49.48, or
37 49.52 RCW.

38 (2) Before award of a public works contract, a bidder shall
39 submit to the contracting agency a signed statement in accordance
40 with (~~RCW 9A.72.085~~) chapter 5.50 RCW verifying under penalty of

1 perjury that the bidder is in compliance with the responsible bidder
2 criteria requirement of subsection (1)(g) of this section. A
3 contracting agency may award a contract in reasonable reliance upon
4 such a sworn statement.

5 (3) In addition to the bidder responsibility criteria in
6 subsection (1) of this section, the state or municipality may adopt
7 relevant supplemental criteria for determining bidder responsibility
8 applicable to a particular project which the bidder must meet.

9 (a) Supplemental criteria for determining bidder responsibility,
10 including the basis for evaluation and the deadline for appealing a
11 determination that a bidder is not responsible, must be provided in
12 the invitation to bid or bidding documents.

13 (b) In a timely manner before the bid submittal deadline, a
14 potential bidder may request that the state or municipality modify
15 the supplemental criteria. The state or municipality must evaluate
16 the information submitted by the potential bidder and respond before
17 the bid submittal deadline. If the evaluation results in a change of
18 the criteria, the state or municipality must issue an addendum to the
19 bidding documents identifying the new criteria.

20 (c) If the bidder fails to supply information requested
21 concerning responsibility within the time and manner specified in the
22 bid documents, the state or municipality may base its determination
23 of responsibility upon any available information related to the
24 supplemental criteria or may find the bidder not responsible.

25 (d) If the state or municipality determines a bidder to be not
26 responsible, the state or municipality must provide, in writing, the
27 reasons for the determination. The bidder may appeal the
28 determination within the time period specified in the bidding
29 documents by presenting additional information to the state or
30 municipality. The state or municipality must consider the additional
31 information before issuing its final determination. If the final
32 determination affirms that the bidder is not responsible, the state
33 or municipality may not execute a contract with any other bidder
34 until two business days after the bidder determined to be not
35 responsible has received the final determination.

36 (4) The capital projects advisory review board created in RCW
37 39.10.220 shall develop suggested guidelines to assist the state and
38 municipalities in developing supplemental bidder responsibility
39 criteria. The guidelines must be posted on the board's web site.

1 **Sec. 16.** RCW 39.26.160 and 2017 c 258 s 3 are each amended to
2 read as follows:

3 (1) (a) After bids that are submitted in response to a competitive
4 solicitation process are reviewed by the awarding agency, the
5 awarding agency may:

6 (i) Reject all bids and rebid or cancel the competitive
7 solicitation;

8 (ii) Request best and final offers from responsive and
9 responsible bidders; or

10 (iii) Award the purchase or contract to the lowest responsive and
11 responsible bidder.

12 (b) The agency may award one or more contracts from a competitive
13 solicitation.

14 (2) In determining whether the bidder is a responsible bidder,
15 the agency must consider the following elements:

16 (a) The ability, capacity, and skill of the bidder to perform the
17 contract or provide the service required;

18 (b) The character, integrity, reputation, judgment, experience,
19 and efficiency of the bidder;

20 (c) Whether the bidder can perform the contract within the time
21 specified;

22 (d) The quality of performance of previous contracts or services;

23 (e) The previous and existing compliance by the bidder with laws
24 relating to the contract or services;

25 (f) Whether, within the three-year period immediately preceding
26 the date of the bid solicitation, the bidder has been determined by a
27 final and binding citation and notice of assessment issued by the
28 department of labor and industries or through a civil judgment
29 entered by a court of limited or general jurisdiction to have
30 willfully violated, as defined in RCW 49.48.082, any provision of
31 chapter 49.46, 49.48, or 49.52 RCW; and

32 (g) Such other information as may be secured having a bearing on
33 the decision to award the contract.

34 (3) In determining the lowest responsive and responsible bidder,
35 an agency may consider best value criteria, including but not limited
36 to:

37 (a) Whether the bid satisfies the needs of the state as specified
38 in the solicitation documents;

39 (b) Whether the bid encourages diverse contractor participation;

1 (c) Whether the bid provides competitive pricing, economies, and
2 efficiencies;

3 (d) Whether the bid considers human health and environmental
4 impacts;

5 (e) Whether the bid appropriately weighs cost and noncost
6 considerations; and

7 (f) Life-cycle cost.

8 (4) The solicitation document must clearly set forth the
9 requirements and criteria that the agency will apply in evaluating
10 bid submissions. Before award of a contract, a bidder shall submit to
11 the contracting agency a signed statement in accordance with ((~~RCW~~
12 ~~9A.72.085~~) chapter 5.50 RCW verifying under penalty of perjury that
13 the bidder is in compliance with the responsible bidder criteria
14 requirement of subsection (2)(f) of this section. A contracting
15 agency may award a contract in reasonable reliance upon such a sworn
16 statement.

17 (5) The awarding agency may at its discretion reject the bid of
18 any contractor who has failed to perform satisfactorily on a previous
19 contract with the state.

20 (6) After reviewing all bid submissions, an agency may enter into
21 negotiations with the lowest responsive and responsible bidder in
22 order to determine if the bid may be improved. An agency may not use
23 this negotiation opportunity to permit a bidder to change a
24 nonresponsive bid into a responsive bid.

25 (7) The procuring agency must enter into the state's enterprise
26 vendor registration and bid notification system the name of each
27 bidder and an indication as to the successful bidder.

28 **Sec. 17.** RCW 46.09.320 and 2016 c 84 s 2 are each amended to
29 read as follows:

30 (1) The application for a certificate of title of an off-road
31 vehicle must be made by the owner or owner's representative to the
32 department, county auditor or other agent, or subagent appointed by
33 the director on a form furnished or approved by the department and
34 must contain:

35 (a) A description of the off-road vehicle, including make, model,
36 vehicle identification number or engine serial number if no vehicle
37 identification number exists, type of body, and model year of the
38 vehicle;

1 (b) The name and address of the person who is the registered
2 owner of the off-road vehicle and, if the off-road vehicle is subject
3 to a security interest, the name and address of the secured party;
4 and

5 (c) Other information the department may require.

6 (2) The application for a certificate of title must be signed by
7 the person applying to be the registered owner and be sworn to by
8 that person in the manner described under ((~~RCW 9A.72.085~~)) chapter
9 5.50 RCW.

10 (3) The owner must pay the fee established under RCW 46.17.100.

11 (4) Issuance of the certificate of title does not qualify the
12 off-road vehicle for registration under chapter 46.16A RCW.

13 **Sec. 18.** RCW 46.12.530 and 2017 c 147 s 3 are each amended to
14 read as follows:

15 (1) The application for a certificate of title of a vehicle must
16 be made by the owner or owner's representative to the department,
17 county auditor or other agent, or subagent appointed by the director
18 on a form furnished or approved by the department and must contain:

19 (a) A description of the vehicle, including make, model, vehicle
20 identification number, type of body, and the odometer reading at the
21 time of delivery of the vehicle;

22 (b) The name and address of the person who is to be the
23 registered owner of the vehicle and, if the vehicle is subject to a
24 security interest, the name and address of the secured party; and

25 (c) Other information the department may require.

26 (2) The department may require additional information and a
27 physical examination of the vehicle or of any class of vehicles, or
28 either.

29 (3) The application for a certificate of title must be signed by
30 the person applying to be the registered owner and be sworn to by
31 that person in the manner described under ((~~RCW 9A.72.085~~)) chapter
32 5.50 RCW. The department shall keep the application in the original,
33 computer, or photostatic form.

34 (4) The application for an original certificate of title must be
35 accompanied by:

36 (a) A draft, money order, certified bank check, or cash for all
37 fees and taxes due for the application for certificate of title; and

38 (b) The most recent certificate of title or other satisfactory
39 evidence of ownership.

1 (5) Once issued, a certificate of title is not subject to
2 renewal.

3 (6) Whenever any person, after applying for or receiving a
4 certificate of title, moves from the address named in the application
5 or in the certificate of title issued to him or her, or changes his
6 or her name of record, the person shall, within ten days thereafter,
7 notify the department of the name or address change as provided in
8 RCW 46.08.195.

9 **Sec. 19.** RCW 46.12.555 and 2014 c 12 s 1 are each amended to
10 read as follows:

11 (1) The application for a quick title of a vehicle must be
12 submitted by the owner or the owner's representative to the
13 department, participating county auditor or other agent, or subagent
14 appointed by the director on a form furnished or approved by the
15 department and must contain:

16 (a) A description of the vehicle, including make, model, vehicle
17 identification number, type of body, and the odometer reading at the
18 time of delivery of the vehicle, when required;

19 (b) The name and address of the person who is to be the
20 registered owner of the vehicle and, if the vehicle is subject to a
21 security interest, the name and address of the secured party; and

22 (c) Other information as may be required by the department.

23 (2) The application for a quick title must be signed by the
24 person applying to be the registered owner and be sworn to by that
25 person in the manner described under (~~RCW 9A.72.085~~) chapter 5.50
26 RCW. The department must keep a copy of the application.

27 (3) The application for a quick title must be accompanied by:

28 (a) All fees and taxes due for an application for a certificate
29 of title, including a quick title service fee under RCW 46.17.160;
30 and

31 (b) The most recent certificate of title or other satisfactory
32 evidence of ownership.

33 (4) All applications for quick title must meet the requirements
34 established by the department.

35 (5) For the purposes of this section, "quick title" means a
36 certificate of title printed at the time of application.

37 (6) The quick title process authorized under this section may not
38 be used to obtain the first title issued to a vehicle previously
39 designated as a salvage vehicle as defined in RCW 46.04.514.

1 (7) A subagent may process a quick title under this section in
2 accordance with rules adopted by the department.

3 **Sec. 20.** RCW 46.16A.435 and 2011 c 121 s 3 are each amended to
4 read as follows:

5 (1) The department shall establish a declaration subject to the
6 requirements of ((RCW 9A.72.085)) chapter 5.50 RCW, which must be
7 submitted by an off-road motorcycle owner when applying for on-road
8 registration of the off-road motorcycle. In order to be registered
9 for on-road use, an off-road motorcycle must travel on two wheels
10 with a seat designed to be straddled by the operator and with
11 handlebar-type steering control.

12 (2) Registration for on-road use of an off-road motorcycle is
13 prohibited for dune buggies, snowmobiles, trimobiles, mopeds, pocket
14 bikes, motor vehicles registered by the department, side-by-sides,
15 utility vehicles, grey-market vehicles, off-road three-wheeled
16 vehicles, and, as determined by the department, any other vehicles
17 that were not originally certified by the manufacturer for use on
18 public roads.

19 (3) The declaration must include the following:

20 (a) Documentation of a safety inspection to be completed by a
21 licensed motorcycle dealer or repair shop in the state of Washington
22 that must outline the vehicle information and certify that all off-
23 road to on-road motorcycle equipment as required under RCW 46.61.705
24 meets the requirements outlined in state and federal law;

25 (b) Documentation that the licensed motorcycle dealer or repair
26 shop did not charge more than one hundred dollars per safety
27 inspection and that the entire safety inspection fee is paid directly
28 and only to the licensed motorcycle dealer or repair shop;

29 (c) A statement that the licensed motorcycle dealer or repair
30 shop is entitled to the full amount charged for the motorcycle safety
31 inspection;

32 (d) A vehicle identification number verification that must be
33 completed by a licensed motorcycle dealer or repair shop in the state
34 of Washington; and

35 (e) A release signed by the owner of the off-road motorcycle and
36 verified by the department, county auditor or other agent, or
37 subagent appointed by the director that releases the state from any
38 liability and outlines that the owner understands that the original

1 off-road motorcycle was not manufactured for on-road use and that it
2 has been modified for use on public roads.

3 (4) The department must track off-road motorcycles in a separate
4 registration category for reporting purposes.

5 **Sec. 21.** RCW 46.20.308 and 2016 c 203 s 15 are each amended to
6 read as follows:

7 (1) Any person who operates a motor vehicle within this state is
8 deemed to have given consent, subject to the provisions of RCW
9 46.61.506, to a test or tests of his or her breath for the purpose of
10 determining the alcohol concentration in his or her breath if
11 arrested for any offense where, at the time of the arrest, the
12 arresting officer has reasonable grounds to believe the person had
13 been driving or was in actual physical control of a motor vehicle
14 while under the influence of intoxicating liquor or any drug or was
15 in violation of RCW 46.61.503.

16 (2) The test or tests of breath shall be administered at the
17 direction of a law enforcement officer having reasonable grounds to
18 believe the person to have been driving or in actual physical control
19 of a motor vehicle within this state while under the influence of
20 intoxicating liquor or any drug or the person to have been driving or
21 in actual physical control of a motor vehicle while having alcohol in
22 a concentration in violation of RCW 46.61.503 in his or her system
23 and being under the age of twenty-one. Prior to administering a
24 breath test pursuant to this section, the officer shall inform the
25 person of his or her right under this section to refuse the breath
26 test, and of his or her right to have additional tests administered
27 by any qualified person of his or her choosing as provided in RCW
28 46.61.506. The officer shall warn the driver, in substantially the
29 following language, that:

30 (a) If the driver refuses to take the test, the driver's license,
31 permit, or privilege to drive will be revoked or denied for at least
32 one year; and

33 (b) If the driver refuses to take the test, the driver's refusal
34 to take the test may be used in a criminal trial; and

35 (c) If the driver submits to the test and the test is
36 administered, the driver's license, permit, or privilege to drive
37 will be suspended, revoked, or denied for at least ninety days if:

1 (i) The driver is age twenty-one or over and the test indicates
2 either that the alcohol concentration of the driver's breath is 0.08
3 or more; or

4 (ii) The driver is under age twenty-one and the test indicates
5 either that the alcohol concentration of the driver's breath is 0.02
6 or more; or

7 (iii) The driver is under age twenty-one and the driver is in
8 violation of RCW 46.61.502 or 46.61.504; and

9 (d) If the driver's license, permit, or privilege to drive is
10 suspended, revoked, or denied the driver may be eligible to
11 immediately apply for an ignition interlock driver's license.

12 (3) If, following his or her arrest and receipt of warnings under
13 subsection (2) of this section, the person arrested exercises the
14 right, granted herein, by refusing upon the request of a law
15 enforcement officer to submit to a test or tests of his or her
16 breath, no test shall be given except as otherwise authorized by law.

17 (4) Nothing in subsection (1), (2), or (3) of this section
18 precludes a law enforcement officer from obtaining a person's blood
19 to test for alcohol, marijuana, or any drug, pursuant to a search
20 warrant, a valid waiver of the warrant requirement, when exigent
21 circumstances exist, or under any other authority of law. Any blood
22 drawn for the purpose of determining the person's alcohol, marijuana
23 levels, or any drug, is drawn pursuant to this section when the
24 officer has reasonable grounds to believe that the person is in
25 physical control or driving a vehicle under the influence or in
26 violation of RCW 46.61.503.

27 (5) If, after arrest and after any other applicable conditions
28 and requirements of this section have been satisfied, a test or tests
29 of the person's blood or breath is administered and the test results
30 indicate that the alcohol concentration of the person's breath or
31 blood is 0.08 or more, or the THC concentration of the person's blood
32 is 5.00 or more, if the person is age twenty-one or over, or that the
33 alcohol concentration of the person's breath or blood is 0.02 or
34 more, or the THC concentration of the person's blood is above 0.00,
35 if the person is under the age of twenty-one, or the person refuses
36 to submit to a test, the arresting officer or other law enforcement
37 officer at whose direction any test has been given, or the
38 department, where applicable, if the arrest results in a test of the
39 person's blood, shall:

1 (a) Serve notice in writing on the person on behalf of the
2 department of its intention to suspend, revoke, or deny the person's
3 license, permit, or privilege to drive as required by subsection (6)
4 of this section;

5 (b) Serve notice in writing on the person on behalf of the
6 department of his or her right to a hearing, specifying the steps he
7 or she must take to obtain a hearing as provided by subsection (7) of
8 this section;

9 (c) Serve notice in writing that the license or permit, if any,
10 is a temporary license that is valid for thirty days from the date of
11 arrest or from the date notice has been given in the event notice is
12 given by the department following a blood test, or until the
13 suspension, revocation, or denial of the person's license, permit, or
14 privilege to drive is sustained at a hearing pursuant to subsection
15 (7) of this section, whichever occurs first. No temporary license is
16 valid to any greater degree than the license or permit that it
17 replaces; and

18 (d) Immediately notify the department of the arrest and transmit
19 to the department within seventy-two hours, except as delayed as the
20 result of a blood test, a sworn report or report under a declaration
21 authorized by (~~RCW 9A.72.085~~) chapter 5.50 RCW that states:

22 (i) That the officer had reasonable grounds to believe the
23 arrested person had been driving or was in actual physical control of
24 a motor vehicle within this state while under the influence of
25 intoxicating liquor or drugs, or both, or was under the age of
26 twenty-one years and had been driving or was in actual physical
27 control of a motor vehicle while having an alcohol or THC
28 concentration in violation of RCW 46.61.503;

29 (ii) That after receipt of any applicable warnings required by
30 subsection (2) of this section the person refused to submit to a test
31 of his or her breath, or a test was administered and the results
32 indicated that the alcohol concentration of the person's breath or
33 blood was 0.08 or more, or the THC concentration of the person's
34 blood was 5.00 or more, if the person is age twenty-one or over, or
35 that the alcohol concentration of the person's breath or blood was
36 0.02 or more, or the THC concentration of the person's blood was
37 above 0.00, if the person is under the age of twenty-one; and

38 (iii) Any other information that the director may require by
39 rule.

1 (6) The department of licensing, upon the receipt of a sworn
2 report or report under a declaration authorized by ((RCW 9A.72.085))
3 chapter 5.50 RCW under subsection (5)(d) of this section, shall
4 suspend, revoke, or deny the person's license, permit, or privilege
5 to drive or any nonresident operating privilege, as provided in RCW
6 46.20.3101, such suspension, revocation, or denial to be effective
7 beginning thirty days from the date of arrest or from the date notice
8 has been given in the event notice is given by the department
9 following a blood test, or when sustained at a hearing pursuant to
10 subsection (7) of this section, whichever occurs first.

11 (7) A person receiving notification under subsection (5)(b) of
12 this section may, within seven days after the notice has been given,
13 request in writing a formal hearing before the department. The person
14 shall pay a fee of three hundred seventy-five dollars as part of the
15 request. If the request is mailed, it must be postmarked within seven
16 days after receipt of the notification. Upon timely receipt of such a
17 request for a formal hearing, including receipt of the required three
18 hundred seventy-five dollar fee, the department shall afford the
19 person an opportunity for a hearing. The department may waive the
20 required three hundred seventy-five dollar fee if the person is an
21 indigent as defined in RCW 10.101.010. Except as otherwise provided
22 in this section, the hearing is subject to and shall be scheduled and
23 conducted in accordance with RCW 46.20.329 and 46.20.332. The hearing
24 shall be conducted in the county of the arrest, except that all or
25 part of the hearing may, at the discretion of the department, be
26 conducted by telephone or other electronic means. The hearing shall
27 be held within thirty days, excluding Saturdays, Sundays, and legal
28 holidays, following the date of timely receipt of such request for a
29 formal hearing before the department or thirty days, excluding
30 Saturdays, Sundays, and legal holidays following the date notice has
31 been given in the event notice is given by the department following a
32 blood test, unless otherwise agreed to by the department and the
33 person, in which case the action by the department shall be stayed,
34 and any valid temporary license under subsection (5) of this section
35 extended, if the person is otherwise eligible for licensing. Unless
36 otherwise agreed to by the department and the person, the department
37 must give five days notice of the hearing to the person. For the
38 purposes of this section, the scope of the hearing shall cover the
39 issues of whether a law enforcement officer had reasonable grounds to
40 believe the person had been driving or was in actual physical control

1 of a motor vehicle within this state while under the influence of
2 intoxicating liquor or any drug or had been driving or was in actual
3 physical control of a motor vehicle within this state while having
4 alcohol in his or her system in a concentration of 0.02 or more, or
5 THC in his or her system in a concentration above 0.00, if the person
6 was under the age of twenty-one, whether the person was placed under
7 arrest, and (a) whether the person refused to submit to the test or
8 tests upon request of the officer after having been informed that
9 such refusal would result in the revocation of the person's license,
10 permit, or privilege to drive, or (b) if a test or tests were
11 administered, whether the applicable requirements of this section
12 were satisfied before the administration of the test or tests,
13 whether the person submitted to the test or tests, or whether a test
14 was administered pursuant to a search warrant, a valid waiver of the
15 warrant requirement, when exigent circumstances exist, or under any
16 other authority of law as permitted under this section, and whether
17 the test or tests indicated that the alcohol concentration of the
18 person's breath or blood was 0.08 or more, or the THC concentration
19 of the person's blood was 5.00 or more, if the person was age twenty-
20 one or over at the time of the arrest, or that the alcohol
21 concentration of the person's breath or blood was 0.02 or more, or
22 the THC concentration of the person's blood was above 0.00, if the
23 person was under the age of twenty-one at the time of the arrest.
24 Where a person is found to be in actual physical control of a motor
25 vehicle while under the influence of intoxicating liquor or any drug
26 or was under the age of twenty-one at the time of the arrest and was
27 in physical control of a motor vehicle while having alcohol in his or
28 her system in a concentration of 0.02 or THC concentration above
29 0.00, the person may petition the hearing officer to apply the
30 affirmative defense found in RCW 46.61.504(3) and 46.61.503(2). The
31 driver has the burden to prove the affirmative defense by a
32 preponderance of the evidence. The sworn report or report under a
33 declaration authorized by (~~RCW 9A.72.085~~) chapter 5.50 RCW
34 submitted by a law enforcement officer is prima facie evidence that
35 the officer had reasonable grounds to believe the person had been
36 driving or was in actual physical control of a motor vehicle within
37 this state while under the influence of intoxicating liquor or drugs,
38 or both, or the person had been driving or was in actual physical
39 control of a motor vehicle within this state while having alcohol in
40 his or her system in a concentration of 0.02 or more, or THC in his

1 or her system in a concentration above 0.00, and was under the age of
2 twenty-one and that the officer complied with the requirements of
3 this section.

4 A hearing officer shall conduct the hearing, may issue subpoenas
5 for the attendance of witnesses and the production of documents, and
6 shall administer oaths to witnesses. The hearing officer shall not
7 issue a subpoena for the attendance of a witness at the request of
8 the person unless the request is accompanied by the fee required by
9 RCW 5.56.010 for a witness in district court. The sworn report or
10 report under a declaration authorized by (~~RCW 9A.72.085~~) chapter
11 5.50 RCW of the law enforcement officer and any other evidence
12 accompanying the report shall be admissible without further
13 evidentiary foundation and the certifications authorized by the
14 criminal rules for courts of limited jurisdiction shall be admissible
15 without further evidentiary foundation. The person may be represented
16 by counsel, may question witnesses, may present evidence, and may
17 testify. The department shall order that the suspension, revocation,
18 or denial either be rescinded or sustained.

19 (8) If the suspension, revocation, or denial is sustained after
20 such a hearing, the person whose license, privilege, or permit is
21 suspended, revoked, or denied has the right to file a petition in the
22 superior court of the county of arrest to review the final order of
23 revocation by the department in the same manner as an appeal from a
24 decision of a court of limited jurisdiction. Notice of appeal must be
25 filed within thirty days after the date the final order is served or
26 the right to appeal is waived. Notwithstanding RCW 46.20.334, RALJ
27 1.1, or other statutes or rules referencing de novo review, the
28 appeal shall be limited to a review of the record of the
29 administrative hearing. The appellant must pay the costs associated
30 with obtaining the record of the hearing before the hearing officer.
31 The filing of the appeal does not stay the effective date of the
32 suspension, revocation, or denial. A petition filed under this
33 subsection must include the petitioner's grounds for requesting
34 review. Upon granting petitioner's request for review, the court
35 shall review the department's final order of suspension, revocation,
36 or denial as expeditiously as possible. The review must be limited to
37 a determination of whether the department has committed any errors of
38 law. The superior court shall accept those factual determinations
39 supported by substantial evidence in the record: (a) That were
40 expressly made by the department; or (b) that may reasonably be

1 inferred from the final order of the department. The superior court
2 may reverse, affirm, or modify the decision of the department or
3 remand the case back to the department for further proceedings. The
4 decision of the superior court must be in writing and filed in the
5 clerk's office with the other papers in the case. The court shall
6 state the reasons for the decision. If judicial relief is sought for
7 a stay or other temporary remedy from the department's action, the
8 court shall not grant such relief unless the court finds that the
9 appellant is likely to prevail in the appeal and that without a stay
10 the appellant will suffer irreparable injury. If the court stays the
11 suspension, revocation, or denial it may impose conditions on such
12 stay.

13 (9) (a) If a person whose driver's license, permit, or privilege
14 to drive has been or will be suspended, revoked, or denied under
15 subsection (6) of this section, other than as a result of a breath
16 test refusal, and who has not committed an offense for which he or
17 she was granted a deferred prosecution under chapter 10.05 RCW,
18 petitions a court for a deferred prosecution on criminal charges
19 arising out of the arrest for which action has been or will be taken
20 under subsection (6) of this section, or notifies the department of
21 licensing of the intent to seek such a deferred prosecution, then the
22 license suspension or revocation shall be stayed pending entry of the
23 deferred prosecution. The stay shall not be longer than one hundred
24 fifty days after the date charges are filed, or two years after the
25 date of the arrest, whichever time period is shorter. If the court
26 stays the suspension, revocation, or denial, it may impose conditions
27 on such stay. If the person is otherwise eligible for licensing, the
28 department shall issue a temporary license, or extend any valid
29 temporary license under subsection (5) of this section, for the
30 period of the stay. If a deferred prosecution treatment plan is not
31 recommended in the report made under RCW 10.05.050, or if treatment
32 is rejected by the court, or if the person declines to accept an
33 offered treatment plan, or if the person violates any condition
34 imposed by the court, then the court shall immediately direct the
35 department to cancel the stay and any temporary license or extension
36 of a temporary license issued under this subsection.

37 (b) A suspension, revocation, or denial imposed under this
38 section, other than as a result of a breath test refusal, shall be
39 stayed if the person is accepted for deferred prosecution as provided
40 in chapter 10.05 RCW for the incident upon which the suspension,

1 revocation, or denial is based. If the deferred prosecution is
2 terminated, the stay shall be lifted and the suspension, revocation,
3 or denial reinstated. If the deferred prosecution is completed, the
4 stay shall be lifted and the suspension, revocation, or denial
5 canceled.

6 (c) The provisions of (b) of this subsection relating to a stay
7 of a suspension, revocation, or denial and the cancellation of any
8 suspension, revocation, or denial do not apply to the suspension,
9 revocation, denial, or disqualification of a person's commercial
10 driver's license or privilege to operate a commercial motor vehicle.

11 (10) When it has been finally determined under the procedures of
12 this section that a nonresident's privilege to operate a motor
13 vehicle in this state has been suspended, revoked, or denied, the
14 department shall give information in writing of the action taken to
15 the motor vehicle administrator of the state of the person's
16 residence and of any state in which he or she has a license.

17 **Sec. 22.** RCW 46.20.720 and 2017 c 336 s 5 are each amended to
18 read as follows:

19 (1) **Ignition interlock restriction.** The department shall require
20 that a person may drive only a motor vehicle equipped with a
21 functioning ignition interlock device:

22 (a) **Pretrial release.** Upon receipt of notice from a court that an
23 ignition interlock device restriction has been imposed under RCW
24 10.21.055;

25 (b) **Ignition interlock driver's license.** As required for issuance
26 of an ignition interlock driver's license under RCW 46.20.385;

27 (c) **Deferred prosecution.** Upon receipt of notice from a court
28 that the person is participating in a deferred prosecution program
29 under RCW 10.05.020 for a violation of:

30 (i) RCW 46.61.502 or 46.61.504 or an equivalent local ordinance;
31 or

32 (ii) RCW 46.61.5249 or 46.61.500 or an equivalent local ordinance
33 if the person would be required under RCW 46.61.5249(4) or
34 46.61.500(3) (a) or (b) to install an ignition interlock device on
35 all vehicles operated by the person in the event of a conviction;

36 (d) **Post conviction.** After any applicable period of suspension,
37 revocation, or denial of driving privileges:

1 (i) Due to a conviction of a violation of RCW 46.61.502 or
2 46.61.504 or an equivalent local or out-of-state statute or
3 ordinance; or

4 (ii) Due to a conviction of a violation of RCW 46.61.5249 or
5 46.61.500 or an equivalent local ordinance if the person is required
6 under RCW 46.61.5249(4) or 46.61.500(3) (a) or (b) to install an
7 ignition interlock device on all vehicles operated by the person; or

8 (e) **Court order.** Upon receipt of an order by a court having
9 jurisdiction that a person charged or convicted of any offense
10 involving the use, consumption, or possession of alcohol while
11 operating a motor vehicle may drive only a motor vehicle equipped
12 with a functioning ignition interlock. The court shall establish a
13 specific calibration setting at which the ignition interlock will
14 prevent the vehicle from being started. The court shall also
15 establish the period of time for which ignition interlock use will be
16 required.

17 (2) **Calibration.** Unless otherwise specified by the court for a
18 restriction imposed under subsection (1)(e) of this section, the
19 ignition interlock device shall be calibrated to prevent the motor
20 vehicle from being started when the breath sample provided has an
21 alcohol concentration of 0.025 or more.

22 (3) **Duration of restriction.** A restriction imposed under:

23 (a) Subsection (1)(a) of this section shall remain in effect
24 until:

25 (i) The court has authorized the removal of the device under RCW
26 10.21.055; or

27 (ii) The department has imposed a restriction under subsection
28 (1)(b), (c), or (d) of this section arising out of the same incident.

29 (b) Subsection (1)(b) of this section remains in effect during
30 the validity of any ignition interlock driver's license that has been
31 issued to the person.

32 (c) Subsection (1)(c)(i) or (d)(i) of this section shall be for
33 no less than:

34 (i) For a person who has not previously been restricted under
35 this subsection, a period of one year;

36 (ii) For a person who has previously been restricted under (c)(i)
37 of this subsection, a period of five years;

38 (iii) For a person who has previously been restricted under
39 (c)(ii) of this subsection, a period of ten years.

1 The restriction of a person who is convicted of a violation of
2 RCW 46.61.502 or 46.61.504 or an equivalent local ordinance and who
3 committed the offense while a passenger under the age of sixteen was
4 in the vehicle shall be extended for an additional six-month period
5 as required by RCW 46.61.5055(6) (a).

6 (d) Subsection (1)(c)(ii) or (d)(ii) of this section shall be for
7 a period of no less than six months.

8 (e) Subsection (1)(e) of this section shall remain in effect for
9 the period of time specified by the court.

10 The period of restriction under (c) and (d) of this subsection
11 based on incidents occurring on or after June 9, 2016, must be tolled
12 for any period in which the person does not have an ignition
13 interlock device installed on a vehicle owned or operated by the
14 person unless the person receives a determination from the department
15 that the person is unable to operate an ignition interlock device due
16 to a physical disability. The department's determination that a
17 person is unable to operate an ignition interlock device must be
18 reasonable and be based upon good and substantial evidence. This
19 determination is subject to review by a court of competent
20 jurisdiction. The department may charge a person seeking a medical
21 exemption under this subsection a reasonable fee for the assessment.

22 (4) **Requirements for removal.** A restriction imposed under
23 subsection (1)(c) or (d) of this section shall remain in effect until
24 the department receives a declaration from the person's ignition
25 interlock device vendor, in a form provided or approved by the
26 department, certifying that there have been none of the following
27 incidents in the one hundred eighty consecutive days prior to the
28 date of release:

29 (a) Any attempt to start the vehicle with a breath alcohol
30 concentration of 0.04 or more unless a subsequent test performed
31 within ten minutes registers a breath alcohol concentration lower
32 than 0.04 and the digital image confirms the same person provided
33 both samples;

34 (b) Failure to take any random test unless a review of the
35 digital image confirms that the vehicle was not occupied by the
36 driver at the time of the missed test;

37 (c) Failure to pass any random retest with a breath alcohol
38 concentration of 0.025 or lower unless a subsequent test performed
39 within ten minutes registers a breath alcohol concentration lower

1 than 0.025, and the digital image confirms the same person provided
2 both samples; or

3 (d) Failure of the person to appear at the ignition interlock
4 device vendor when required for maintenance, repair, calibration,
5 monitoring, inspection, or replacement of the device.

6 (5) **Day-for-day credit.** (a) The time period during which a person
7 has an ignition interlock device installed in order to meet the
8 requirements of subsection (1)(b) of this section shall apply on a
9 day-for-day basis toward satisfying the period of time the ignition
10 interlock device restriction is imposed under subsection (1)(c) or
11 (d) of this section arising out of the same incident.

12 (b) The department must also give the person a day-for-day credit
13 for any time period, beginning from the date of the incident, during
14 which the person kept an ignition interlock device installed on all
15 vehicles the person operates, other than those subject to the
16 employer exemption under subsection (6) of this section.

17 (c) If the day-for-day credit granted under this subsection
18 equals or exceeds the period of time the ignition interlock device
19 restriction is imposed under subsection (1)(c) or (d) of this section
20 arising out of the same incident, and the person has already met the
21 requirements for removal of the device under subsection (4) of this
22 section, the department may waive the requirement that a device be
23 installed or that the person again meet the requirements for removal.

24 (6) **Employer exemption.** (a) Except as provided in (b) of this
25 subsection, the installation of an ignition interlock device is not
26 necessary on vehicles owned, leased, or rented by a person's employer
27 and on those vehicles whose care and/or maintenance is the temporary
28 responsibility of the employer, and driven at the direction of a
29 person's employer as a requirement of employment during working
30 hours. The person must provide the department with a declaration
31 pursuant to (~~RCW 9A.72.085~~) chapter 5.50 RCW from his or her
32 employer stating that the person's employment requires the person to
33 operate a vehicle owned by the employer or other persons during
34 working hours.

35 (b) The employer exemption does not apply when the employer's
36 vehicle is assigned exclusively to the restricted driver and used
37 solely for commuting to and from employment.

38 (7) **Ignition interlock device revolving account.** In addition to
39 any other costs associated with the use of an ignition interlock
40 device imposed on the person restricted under this section, the

1 person shall pay an additional fee of twenty dollars per month.
2 Payments must be made directly to the ignition interlock company. The
3 company shall remit the additional fee to the department to be
4 deposited into the ignition interlock device revolving account,
5 except that the company may retain twenty-five cents per month of the
6 additional fee to cover the expenses associated with administering
7 the fee. The department may waive the monthly fee if the person is
8 indigent under RCW 10.101.010.

9 (8) **Foreign jurisdiction.** For a person restricted under this
10 section who is residing outside of the state of Washington, the
11 department may accept verification of installation of an ignition
12 interlock device by an ignition interlock company authorized to do
13 business in the jurisdiction in which the person resides, provided
14 the device meets any applicable requirements of that jurisdiction.
15 The department may waive the monthly fee required by subsection (7)
16 of this section if collection of the fee would be impractical in the
17 case of a person residing in another jurisdiction.

18 **Sec. 23.** RCW 47.68.250 and 2017 3rd sp.s. c 25 s 44 are each
19 amended to read as follows:

20 (1) Every aircraft must be registered with the department for
21 each calendar year in which the aircraft is operated or is based
22 within this state. A fee of fifteen dollars is charged for each such
23 registration and each annual renewal thereof.

24 (2) Possession of the appropriate effective federal certificate,
25 permit, rating, or license relating to ownership and airworthiness of
26 the aircraft, and payment of the excise tax imposed by Title 82 RCW
27 for the privilege of using the aircraft within this state during the
28 year for which the registration is sought, and payment of the
29 registration fee required by this section are the only requisites for
30 registration of an aircraft under this section.

31 (3) The registration fee imposed by this section is payable to
32 and collected by the secretary. The fee for any calendar year must be
33 paid during the month of January, and must be collected by the
34 secretary at the time of the collection by him or her of the excise
35 tax. If the secretary is satisfied that the requirements for
36 registration of the aircraft have been met, he or she must issue to
37 the owner of the aircraft a certificate of registration therefor. The
38 secretary must pay to the state treasurer the registration fees

1 collected under this section, which registration fees must be
2 credited to the aeronautics account.

3 (4) It is not necessary for the registrant to provide the
4 secretary with originals or copies of federal certificates, permits,
5 ratings, or licenses. The secretary must issue certificates of
6 registration, or such other evidences of registration or payment of
7 fees as he or she may deem proper; and in connection therewith may
8 prescribe requirements for the possession and exhibition of such
9 certificates or other evidences.

10 (5) The provisions of this section do not apply to:

11 (a) An aircraft owned by and used exclusively in the service of
12 any government or any political subdivision thereof, including the
13 government of the United States, any state, territory, or possession
14 of the United States, or the District of Columbia, which is not
15 engaged in carrying persons or property for commercial purposes;

16 (b) An aircraft registered under the laws of a foreign country;

17 (c) An aircraft that is owned by a nonresident if:

18 (i) The aircraft remains in this state or is based in this state,
19 or both, for a period less than ninety days; or

20 (ii) The aircraft is a large private airplane as defined in RCW
21 82.08.215 and remains in this state for a period of ninety days or
22 longer, but only when:

23 (A) The airplane is in this state exclusively for the purpose of
24 repairs, alterations, or reconstruction, including any flight testing
25 related to the repairs, alterations, or reconstruction, or for the
26 purpose of continual storage of not less than one full calendar year;

27 (B) An employee of the facility providing these services is on
28 board the airplane during any flight testing; and

29 (C) Within ninety days of the date the airplane first arrived in
30 this state during the calendar year, the nonresident files a written
31 statement with the department indicating that the airplane is exempt
32 from registration under this subsection (5)(c)(ii). The written
33 statement must be filed in a form and manner prescribed by the
34 department and must include such information as the department
35 requires. The department may require additional periodic verification
36 that the airplane remains exempt from registration under this
37 subsection (5)(c)(ii) and that written statements conform with the
38 provisions of (~~RCW 9A.72.085~~) chapter 5.50 RCW;

39 (d) An aircraft engaged principally in commercial flying
40 constituting an act of interstate or foreign commerce;

1 (e) An aircraft owned by the commercial manufacturer thereof
2 while being operated for test or experimental purposes, or for the
3 purpose of training crews for purchasers of the aircraft;

4 (f) An aircraft being held for sale, exchange, delivery, test, or
5 demonstration purposes solely as stock in trade of an aircraft dealer
6 licensed under Title 14 RCW; and

7 (g) An aircraft based within the state that is in an unairworthy
8 condition, is not operated within the registration period, and has
9 obtained a written exemption issued by the secretary.

10 (6) The secretary must be notified within thirty days of any
11 change in ownership of a registered aircraft. The notification must
12 contain the N, NC, NR, NL, or NX number of the aircraft, the full
13 name and address of the former owner, and the full name and address
14 of the new owner. For failure to so notify the secretary, the
15 registration of that aircraft may be canceled by the secretary,
16 subject to reinstatement upon application and payment of a
17 reinstatement fee of ten dollars by the new owner.

18 (7) A municipality or port district that owns, operates, or
19 leases an airport, as defined in RCW 47.68.020, with the intent to
20 operate, must require from an aircraft owner proof of aircraft
21 registration as a condition of leasing or selling tiedown or hangar
22 space for an aircraft. It is the responsibility of the lessee or
23 purchaser to register the aircraft. Proof of registration must be
24 provided according to the following schedule:

25 (a) For the purchase of tiedown or hangar space, the municipality
26 or port district must allow the purchaser thirty days from the date
27 of the application for purchase to produce proof of aircraft
28 registration.

29 (b) For the lease of tiedown or hangar space that extends thirty
30 days or more, the municipality or port district must allow the lessee
31 thirty days to produce proof of aircraft registration from the date
32 of the application for lease of tiedown or hangar space.

33 (c) For the lease of tiedown or hangar space that extends less
34 than thirty days, the municipality or port district must allow the
35 lessee to produce proof of aircraft registration at any point prior
36 to the final day of the lease.

37 (8) The airport must work with the aviation division to assist in
38 its efforts to register aircraft by providing information about based
39 aircraft on an annual basis as requested by the division.

1 **Sec. 24.** RCW 59.18.030 and 2016 c 66 s 1 are each reenacted and
2 amended to read as follows:

3 As used in this chapter:

4 (1) "Certificate of inspection" means an unsworn statement,
5 declaration, verification, or certificate made in accordance with the
6 requirements of (~~RCW 9A.72.085~~) chapter 5.50 RCW by a qualified
7 inspector that states that the landlord has not failed to fulfill any
8 substantial obligation imposed under RCW 59.18.060 that endangers or
9 impairs the health or safety of a tenant, including (a) structural
10 members that are of insufficient size or strength to carry imposed
11 loads with safety, (b) exposure of the occupants to the weather, (c)
12 plumbing and sanitation defects that directly expose the occupants to
13 the risk of illness or injury, (d) not providing facilities adequate
14 to supply heat and water and hot water as reasonably required by the
15 tenant, (e) providing heating or ventilation systems that are not
16 functional or are hazardous, (f) defective, hazardous, or missing
17 electrical wiring or electrical service, (g) defective or hazardous
18 exits that increase the risk of injury to occupants, and (h)
19 conditions that increase the risk of fire.

20 (2) "Commercially reasonable manner," with respect to a sale of a
21 deceased tenant's personal property, means a sale where every aspect
22 of the sale, including the method, manner, time, place, and other
23 terms, must be commercially reasonable. If commercially reasonable, a
24 landlord may sell the tenant's property by public or private
25 proceedings, by one or more contracts, as a unit or in parcels, and
26 at any time and place and on any terms.

27 (3) "Comprehensive reusable tenant screening report" means a
28 tenant screening report prepared by a consumer reporting agency at
29 the direction of and paid for by the prospective tenant and made
30 available directly to a prospective landlord at no charge, which
31 contains all of the following: (a) A consumer credit report prepared
32 by a consumer reporting agency within the past thirty days; (b) the
33 prospective tenant's criminal history; (c) the prospective tenant's
34 eviction history; (d) an employment verification; and (e) the
35 prospective tenant's address and rental history.

36 (4) "Criminal history" means a report containing or summarizing
37 (a) the prospective tenant's criminal convictions and pending cases,
38 the final disposition of which antedates the report by no more than
39 seven years, and (b) the results of a sex offender registry and
40 United States department of the treasury's office of foreign assets

1 control search, all based on at least seven years of address history
2 and alias information provided by the prospective tenant or available
3 in the consumer credit report.

4 (5) "Designated person" means a person designated by the tenant
5 under RCW 59.18.590.

6 (6) "Distressed home" has the same meaning as in RCW 61.34.020.

7 (7) "Distressed home conveyance" has the same meaning as in RCW
8 61.34.020.

9 (8) "Distressed home purchaser" has the same meaning as in RCW
10 61.34.020.

11 (9) "Dwelling unit" is a structure or that part of a structure
12 which is used as a home, residence, or sleeping place by one person
13 or by two or more persons maintaining a common household, including
14 but not limited to single-family residences and units of multiplexes,
15 apartment buildings, and mobile homes.

16 (10) "Eviction history" means a report containing or summarizing
17 the contents of any records of unlawful detainer actions concerning
18 the prospective tenant that are reportable in accordance with state
19 law, are lawful for landlords to consider, and are obtained after a
20 search based on at least seven years of address history and alias
21 information provided by the prospective tenant or available in the
22 consumer credit report.

23 (11) "Gang" means a group that: (a) Consists of three or more
24 persons; (b) has identifiable leadership or an identifiable name,
25 sign, or symbol; and (c) on an ongoing basis, regularly conspires and
26 acts in concert mainly for criminal purposes.

27 (12) "Gang-related activity" means any activity that occurs
28 within the gang or advances a gang purpose.

29 (13) "In danger of foreclosure" means any of the following:

30 (a) The homeowner has defaulted on the mortgage and, under the
31 terms of the mortgage, the mortgagee has the right to accelerate full
32 payment of the mortgage and repossess, sell, or cause to be sold the
33 property;

34 (b) The homeowner is at least thirty days delinquent on any loan
35 that is secured by the property; or

36 (c) The homeowner has a good faith belief that he or she is
37 likely to default on the mortgage within the upcoming four months due
38 to a lack of funds, and the homeowner has reported this belief to:

39 (i) The mortgagee;

1 (ii) A person licensed or required to be licensed under chapter
2 19.134 RCW;

3 (iii) A person licensed or required to be licensed under chapter
4 19.146 RCW;

5 (iv) A person licensed or required to be licensed under chapter
6 18.85 RCW;

7 (v) An attorney-at-law;

8 (vi) A mortgage counselor or other credit counselor licensed or
9 certified by any federal, state, or local agency; or

10 (vii) Any other party to a distressed property conveyance.

11 (14) "Landlord" means the owner, lessor, or sublessor of the
12 dwelling unit or the property of which it is a part, and in addition
13 means any person designated as representative of the owner, lessor,
14 or sublessor including, but not limited to, an agent, a resident
15 manager, or a designated property manager.

16 (15) "Mortgage" is used in the general sense and includes all
17 instruments, including deeds of trust, that are used to secure an
18 obligation by an interest in real property.

19 (16) "Owner" means one or more persons, jointly or severally, in
20 whom is vested:

21 (a) All or any part of the legal title to property; or

22 (b) All or part of the beneficial ownership, and a right to
23 present use and enjoyment of the property.

24 (17) "Person" means an individual, group of individuals,
25 corporation, government, or governmental agency, business trust,
26 estate, trust, partnership, or association, two or more persons
27 having a joint or common interest, or any other legal or commercial
28 entity.

29 (18) "Premises" means a dwelling unit, appurtenances thereto,
30 grounds, and facilities held out for the use of tenants generally and
31 any other area or facility which is held out for use by the tenant.

32 (19) "Property" or "rental property" means all dwelling units on
33 a contiguous quantity of land managed by the same landlord as a
34 single, rental complex.

35 (20) "Prospective landlord" means a landlord or a person who
36 advertises, solicits, offers, or otherwise holds a dwelling unit out
37 as available for rent.

38 (21) "Prospective tenant" means a tenant or a person who has
39 applied for residential housing that is governed under this chapter.

1 (22) "Qualified inspector" means a United States department of
2 housing and urban development certified inspector; a Washington state
3 licensed home inspector; an American society of home inspectors
4 certified inspector; a private inspector certified by the national
5 association of housing and redevelopment officials, the American
6 association of code enforcement, or other comparable professional
7 association as approved by the local municipality; a municipal code
8 enforcement officer; a Washington licensed structural engineer; or a
9 Washington licensed architect.

10 (23) "Reasonable attorneys' fees," where authorized in this
11 chapter, means an amount to be determined including the following
12 factors: The time and labor required, the novelty and difficulty of
13 the questions involved, the skill requisite to perform the legal
14 service properly, the fee customarily charged in the locality for
15 similar legal services, the amount involved and the results obtained,
16 and the experience, reputation and ability of the lawyer or lawyers
17 performing the services.

18 (24) "Reasonable manner," with respect to disposing of a deceased
19 tenant's personal property, means to dispose of the property by
20 donation to a not-for-profit charitable organization, by removal of
21 the property by a trash hauler or recycler, or by any other method
22 that is reasonable under the circumstances.

23 (25) "Rental agreement" means all agreements which establish or
24 modify the terms, conditions, rules, regulations, or any other
25 provisions concerning the use and occupancy of a dwelling unit.

26 (26) A "single-family residence" is a structure maintained and
27 used as a single dwelling unit. Notwithstanding that a dwelling unit
28 shares one or more walls with another dwelling unit, it shall be
29 deemed a single-family residence if it has direct access to a street
30 and shares neither heating facilities nor hot water equipment, nor
31 any other essential facility or service, with any other dwelling
32 unit.

33 (27) A "tenant" is any person who is entitled to occupy a
34 dwelling unit primarily for living or dwelling purposes under a
35 rental agreement.

36 (28) "Tenant representative" means:

37 (a) A personal representative of a deceased tenant's estate if
38 known to the landlord;

39 (b) If the landlord has no knowledge that a personal
40 representative has been appointed for the deceased tenant's estate, a

1 person claiming to be a successor of the deceased tenant who has
2 provided the landlord with proof of death and an affidavit made by
3 the person that meets the requirements of RCW 11.62.010(2);

4 (c) In the absence of a personal representative under (a) of this
5 subsection or a person claiming to be a successor under (b) of this
6 subsection, a designated person; or

7 (d) In the absence of a personal representative under (a) of this
8 subsection, a person claiming to be a successor under (b) of this
9 subsection, or a designated person under (c) of this subsection, any
10 person who provides the landlord with reasonable evidence that he or
11 she is a successor of the deceased tenant as defined in RCW
12 11.62.005. The landlord has no obligation to identify all of the
13 deceased tenant's successors.

14 (29) "Tenant screening" means using a consumer report or other
15 information about a prospective tenant in deciding whether to make or
16 accept an offer for residential rental property to or from a
17 prospective tenant.

18 (30) "Tenant screening report" means a consumer report as defined
19 in RCW 19.182.010 and any other information collected by a tenant
20 screening service.

21 **Sec. 25.** RCW 71.09.070 and 2015 c 278 s 1 are each amended to
22 read as follows:

23 (1) Each person committed under this chapter shall have a current
24 examination of his or her mental condition made by the department at
25 least once every year.

26 (2) The evaluator must prepare a report that includes
27 consideration of whether:

28 (a) The committed person currently meets the definition of a
29 sexually violent predator;

30 (b) Conditional release to a less restrictive alternative is in
31 the best interest of the person; and

32 (c) Conditions can be imposed that would adequately protect the
33 community.

34 (3) The department, on request of the committed person, shall
35 allow a record of the annual review interview to be preserved by
36 audio recording and made available to the committed person.

37 (4) The evaluator must indicate in the report whether the
38 committed person participated in the interview and examination.

1 (5) The department shall file the report with the court that
2 committed the person under this chapter. The report shall be in the
3 form of a declaration or certification in compliance with the
4 requirements of (~~RCW 9A.72.085~~) chapter 5.50 RCW and shall be
5 prepared by a professionally qualified person as defined by rules
6 adopted by the secretary. A copy of the report shall be served on the
7 prosecuting agency involved in the initial commitment and upon the
8 committed person and his or her counsel.

9 (6) (a) The committed person may retain, or if he or she is
10 indigent and so requests, the court may appoint a qualified expert or
11 a professional person to examine him or her, and such expert or
12 professional person shall have access to all records concerning the
13 person.

14 (b) Any report prepared by the expert or professional person and
15 any expert testimony on the committed person's behalf is not
16 admissible in a proceeding pursuant to RCW 71.09.090, unless the
17 committed person participated in the most recent interview and
18 evaluation completed by the department.

19 (7) If an unconditional release trial is ordered pursuant to RCW
20 71.09.090, this section is suspended until the completion of that
21 trial. If the individual is found either by jury or the court to
22 continue to meet the definition of a sexually violent predator, the
23 department must conduct an examination pursuant to this section no
24 later than one year after the date of the order finding that the
25 individual continues to be a sexually violent predator. The
26 examination must comply with the requirements of this section.

27 (8) During any period of confinement pursuant to a criminal
28 conviction, or for any period of detention awaiting trial on criminal
29 charges, this section is suspended. Upon the return of the person
30 committed under this chapter to the custody of the department, the
31 department shall initiate an examination of the person's mental
32 condition. The examination must comply with the requirements of
33 subsection (1) of this section.

34 **Sec. 26.** RCW 81.84.020 and 2007 c 234 s 93 are each amended to
35 read as follows:

36 (1) Upon the filing of an application, the commission shall give
37 reasonable notice to the department, affected cities, counties, and
38 public transportation benefit areas and any common carrier which
39 might be adversely affected, of the time and place for hearing on

1 such application. The commission may, after notice and an opportunity
2 for a hearing, issue the certificate as prayed for, or refuse to
3 issue it, or issue it for the partial exercise only of the privilege
4 sought, and may attach to the exercise of the rights granted by the
5 certificate any terms and conditions as in its judgment the public
6 convenience and necessity may require; but the commission may not
7 grant a certificate to operate between districts or into any
8 territory prohibited by RCW 47.60.120 or already served by an
9 existing certificate holder, unless the existing certificate holder
10 has failed or refused to furnish reasonable and adequate service, has
11 failed to provide the service described in its certificate or tariffs
12 after the time allowed to initiate service has elapsed, or has not
13 objected to the issuance of the certificate as prayed for.

14 (2) Before issuing a certificate, the commission shall determine
15 that the applicant has the financial resources to operate the
16 proposed service for at least twelve months, based upon the
17 submission by the applicant of a pro forma financial statement of
18 operations. Issuance of a certificate must be determined upon, but
19 not limited to, the following factors: Ridership and revenue
20 forecasts; the cost of service for the proposed operation; an
21 estimate of the cost of the assets to be used in providing the
22 service; a statement of the total assets on hand of the applicant
23 that will be expended on the proposed operation; and a statement of
24 prior experience, if any, in such field by the applicant. The
25 documentation required of the applicant under this section must
26 comply with the provisions of (~~RCW 9A.72.085~~) chapter 5.50 RCW.

27 (3) In granting a certificate for passenger-only ferries and
28 determining what conditions to place on the certificate, the
29 commission shall consider and give substantial weight to the effect
30 of its decisions on public agencies operating, or eligible to
31 operate, passenger-only ferry service.

32 (4) Until July 1, 2007, the commission shall not accept or
33 consider an application for passenger-only ferry service serving any
34 county in the Puget Sound area with a population of over one million
35 people. Applications for passenger-only ferry service serving any
36 county in the Puget Sound area with a population of over one million
37 pending before the commission as of May 9, 2005, must be held in
38 abeyance and not be considered before July 1, 2007.

1 **Sec. 27.** RCW 88.02.540 and 2011 c 326 s 4 are each amended to
2 read as follows:

3 (1) The application for a quick title of a vessel must be made by
4 the owner or the owner's representative to the department,
5 participating county auditor or other agent, or subagent appointed by
6 the director on a form furnished or approved by the department and
7 must contain:

8 (a) A description of the vessel, including make, model, hull
9 identification number, series, and body;

10 (b) The name and address of the person who is to be the
11 registered owner of the vessel and, if the vessel is subject to a
12 security interest, the name and address of the secured party; and

13 (c) Other information as may be required by the department.

14 (2) The application for a quick title must be signed by the
15 person applying to be the registered owner and be sworn to by that
16 person in the manner described under (~~RCW 9A.72.085~~) chapter 5.50
17 RCW. The department must keep a copy of the application.

18 (3) The application for a quick title must be accompanied by:

19 (a) All fees and taxes due for an application for a certificate
20 of title, including a quick title service fee under RCW 88.02.640(1);
21 and

22 (b) The most recent certificate of title or other satisfactory
23 evidence of ownership.

24 (4) All applications for quick title must meet the requirements
25 established by the department.

26 (5) For the purposes of this section, "quick title" means a
27 certificate of title printed at the time of application.

28 (6) A subagent may process a quick title under this section only
29 after (a) the department has instituted a process in which blank
30 certificates of title can be inventoried; (b) the county auditor of
31 the county in which the subagent is located has processed quick
32 titles for a minimum of six months; and (c) the county auditor
33 approves a request from a subagent in its county to process quick
34 titles.

35 NEW SECTION. **Sec. 28.** Section 23 of this act expires July 1,
36 2021.

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